

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

VENTERIS HOBSON,

Petitioner,

v.

DARRELL HART, Warden,

Respondent.

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Case No. CV411-177

ORDER

Currently confined in the Ware State Prison in Waycross, Georgia, doc. 1 at 11, Venteris Hobson has filed a 28 U.S.C. § 2254 habeas petition attacking a 1998 Clayton County, Georgia Superior Court conviction. *Id.* at 1. He used a *Northern* District of Georgia petition form but filed it here in the *Southern* District. His first instinct was correct, as the Court is transferring this case to the Northern District.

Clayton County lies within the Northern District's jurisdiction. 28 U.S.C. § 90(a)(2). Federal law permits a state prisoner's § 2254 petition to be filed either in the district of conviction or confinement. 28 U.S.C. § 2241(d); *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir.

2008). Hence, venue is proper in both Districts. However, it is the long-standing policy and practice in the United States District Courts in this Circuit to cause all such petitions to be filed in or transferred to the district within which the state prisoner was convicted, since that will be the most convenient forum. *Mitchell v. Henderson*, 432 F.2d 435, 436 (5th Cir. 1970); *Wright*, 263 F. App'x at 795 (citing *Byrd v. Martin*, 754 F.2d 963, 965 (11th Cir. 1985)). This practice also fosters an equitable distribution of habeas cases between the districts of this state.

Having considered Hobson's filing, the Court concludes that the Northern District would be the better forum for resolving this matter. Hence, the Clerk is **DIRECTED** to transfer this case to the Northern District of Georgia for all further proceedings. See 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice).

SO ORDERED, this 7th day of July, 2011.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA